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10/056,170	01/24/2002	Scott A. Garver	GRD0186.US	9483

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Todd T. Taylor  
TAYLOR & AUST, P.C.  
142 S. Main St.  
P.O. Box 560  
Avilla, IN 46710

EXAMINER

RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/056,170

Applicant(s)

GARVER, SCOTT A

Examiner

Ruth C Rodriguez

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 8 and 11-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-14 and 16-24 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Objections***

1. Claims 1-8 are objected to because of the following informalities: Under the new amendment format, the text of claims 1-8 must be included in the amendment since these claims have been withdrawn but not cancelled. Correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 8-14, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Lankton et al. (US 4,573,242).

A tie (100) comprises a head (200) and an elongated strap (300). The strap has a longitudinal direction, a first side, a second side and an end (Figs. 1-6C). The end is attached to the head (Fig. 1, 3, 4B and 5A). The first side has at least two longitudinally extending ribs (ribs on the upper side of the strap at each side as shown in Fig. 6A). The second side has at least three longitudinally extending ribs (each of the ribs on the lower side of the strap as shown in Fig. 6A). Each the rib is substantially parallel with

each other (Figs. 1-3, 4B, 6A and 6C). Each the rib extends a substantial portion of a longitudinal length of the corresponding side (Fig. 3). The longitudinal extending ribs on the first side are spaced apart in a direction transverse to the longitudinal direction (Figs. 1-3, 4B, 6A and 6C). The longitudinally extending ribs on the second side are spaced apart in a direction transverse to the first longitudinal direction (Figs. 1-3, 4B, 6A and 6C).

The at least two longitudinally extending ribs comprise two ribs on the first side and the at least three ribs comprises three ribs on the second side (Figs. 1-3, 4B, 6A and 6C).

A tie (100) comprises an elongated strap (300) and a head (200). The strap has opposite sides and an end (Figs. 1-6C). At least one the side has a plurality of serrations (312,313,322,323). The head is attached to the end and includes a locking slot receiving the strap therein (Figs. 1-6C). The locking slot includes opposing walls and each the wall has three rib openings and each the wall includes at least one locking tooth (Figs. 3 and 5B).

The serrations include one of projections (312,322) and recesses (313,323).

Each wall includes a plurality of locking teeth (Figs. 5A and 5B).

The plurality of locking teeth have a ramped, cantilever beam construction (Figs. 5A and 5B).

4. Claims 8, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Lundberg, Jr. (US 5,183,301).

A tie (10) comprises a head (14) and an elongated strap (12). The strap has a longitudinal direction, a first side (22), a second side (18) and an end (12a). The end is attached to the head (Figs. 1 and 4). The first side has at least two longitudinally extending ribs (52,60). The second side has at least three longitudinally extending ribs (30,60). Each the rib is substantially parallel with each other (Figs. 1, 5, 6 and 8). Each the rib extends a substantial portion of a longitudinal length of the corresponding side (Figs. 1, 5, 6 and 8). The longitudinal extending ribs on the first side are spaced apart in a direction transverse to the longitudinal direction (Figs. 1 and 5). The longitudinally extending ribs on the second side are spaced apart in a direction transverse to the first longitudinal direction (Figs. 1 and 5).

The at least two longitudinally extending ribs comprise two ribs (52,60) on the first side and the at least three ribs (30,60) comprises three ribs on the second side.

The three ribs on the second side include serrations (Figs. 1 and 5).

5. Claims 8 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Pettersson (US 6,594,867 B1).

A tie (1,2) comprises a head (1) and an elongated strap (2). The strap has a longitudinal direction, a first side, a second side and an end (Figs. 1 and 2). The end is attached to the head (Figs. 1 and 2). The first side has at least two longitudinally extending ribs (Fig. 2). The second side has at least three longitudinally extending ribs (Fig. 2). Each the rib is substantially parallel with each other (Fig. 2). Each the rib extends a substantial portion of a longitudinal length of the corresponding side (Figs. 1 and 2). The longitudinal extending ribs on the first side are spaced apart in a direction

transverse to the longitudinal direction (Fig. 2). The longitudinally extending ribs on the second side are spaced apart in a direction transverse to the first longitudinal direction (Fig. 2).

The at least two longitudinally extending ribs comprise two ribs on the first side and the at least three ribs comprises three ribs on the second side (Fig. 2).

6. Claims 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Wells (US 3,717,906).

An electrical tie (11) comprises an elongated strap (13) and a head (15). The strap has a longitudinal extension, opposing sides and an end (Figs. 1-9). At least one the side includes serrations (Figs. 1-5). The head is attached to the end (Figs. 1-3 and 6-9). The head includes a locking slot (43) for receiving the strap therein and interconnecting with the serrations (C. 2, L. 57-67 and C. 3, L. 1-3). The head includes opposing sides (side of the head extending parallel to the longitudinal extension of the elongated strap and the opposite free side also extending parallel to the longitudinal extension of the elongated strap) and a perimeter wall extending on each the opposite sides (perimeter wall around locking slot and perimeter wall around the through hole). The perimeter wall includes at least one notch (gap in the perimeter walls formed between the locking slot and the through hole) on each the opposite side in the perimeter wall. The at least one notch creates a hinge section (75) allows hinged movement of the head in a direction transverse to the longitudinal extension (C. 3, L. 22-31 and Figs. 6 and 7).

The hinged section comprises a thinned section (Figs. 6 and 7).

The hinged section allows hinged movement of the head in a direction generally perpendicular to the longitudinal extension (C. 3, L. 22-31 and Figs. 6 and 7).

7. Claims 18-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Logan (US 5,758,390).

An electrical tie (S) comprises an elongated strap (20) and a head (40,50). The strap has a longitudinal extension, opposing sides and an end (Figs. 1-8). At least one the side includes serrations (32). The head is attached to the end (Figs. 1-8). The head includes a locking slot (40) for receiving the strap therein and interconnecting with the serrations (Figs. 1a, 2 and 6-8). The head includes opposing sides (side of the head extending parallel to the longitudinal extension of the elongated strap and the opposite free side also extending parallel to the longitudinal extension of the elongated strap) and a perimeter wall extending on each the opposite sides (perimeter wall around locking slot and perimeter wall around the through hole). The perimeter wall includes at least one notch (gap in the perimeter walls formed between the locking slot and the through hole) on each the opposite side in the perimeter wall. The at least one notch creates a hinge section allowing hinged movement of the head in a direction transverse to the longitudinal extension (Figs. 1-8).

The hinged section comprises a thinned section (Fig. 4).

The hinged section allows hinged movement of the head in a direction generally perpendicular to the longitudinal extension (Figs. 1-8).

An electrical tie (S) comprises an elongated strap (20) and a head (40,50). The elongated strap has opposing sides and an end (Figs. 1-8). At least one side includes

serrations (32). The head is attached to the end (Figs. 1-8). The head including a locking slot (40) receiving the strap and interconnecting with the serrations (Figs. 1a, 2 and 6-8). The head includes a shoulder (48) with an inside perimeter defining a mounting through hole (50). The inside perimeter is polygonal (Figs. 3 and 6).

The mounting through-hole extends in a direction generally coincident with the locking slot (Figs. 2-4 and 6-8).

The mounting through-hole has a generally cylindrical shape (Figs. 3 and 6).

The elongate strap has a longitudinal extension (Figs. 1-8). The head includes a hinge section (between 40 and 50) allowing hinged movement of the head in a direction transverse to the longitudinal extension.

### ***Allowable Subject Matter***

8. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 8-14, 16 and 17 have been considered but are moot in view of the new ground(s) of rejection.



10. Applicant's arguments filed 11 August 2003 have been fully considered but they are not persuasive. The Applicant argues that Wells fails to disclose the head includes opposing sides and perimeter wall extends on each opposing side where the perimeter wall includes at least one notch on each opposing side of the perimeter wall to create a hinge section. The Examiner fails to be persuaded by this argument. The Applicant only recites two opposing sides without providing any particular location for the sides. Therefore, broadly interpreted the sides can be the sides of the head that extend parallel to the longitudinal extension of the elongated strap. Each of these sides has a perimeter wall extending around the locking slot and around the through hole and there is a gap or notch (75) in between the perimeter wall extending around the locking slot and around the through hole. Therefore, claims 18-20 remain rejected under 35 U.S.C. 102(b) as being anticipated by Wells

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Holmes (US 3,461,510), Olewinski et al. (US 5,598,994), British Patent Document GB 2 166 188 A and European Patent Documents EP 0 540 475 A2, EP 583 554 A1 and EP 0 875 466 A1 are cited to show state of the art with respect to ties having a through-hole separated by a hinge from the locking hole to allow rotation of the through-hole with respect to the locking hole.

Shely et al. (US 4,788,751), Shely (US 5,295,285), Marogil (US 5,304,188) and Geisinger (US 5,193,254) are cited to show state of the art with respect to ties having three ribs on one side.

Fortsch (US 5,317,787) and Georgopoulos et al. (US 5,524,945) are cited to show state of the art with respect to ties having ribs provided with teeth..

Hancock-Bogese et al. (US 5,848,771), Teagno et al. (US 5,884,367), Davignon (US 5,911,368), Nelson et al. (US 6,185,792) and International Patent Document WO 96/18554 are cited to show state of the art with respect to ties allowing insertion and engagement of the elongated strap through any of the two sides of the locking hole.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (703) 308-1881. The examiner can normally be reached on M-F 07:15 - 15:45.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115.

Submissions of your responses by facsimile transmission are encouraged. Technology center 3600's facsimile number for before and after final communications is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

rcr  
November 3, 2003

  
ROBERT J. SANDY  
PRIMARY EXAMINER